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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,920	02/27/2002	Alan B. Nierenberg	124736-1040	4885

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EXAMINER

CIRIC, LJILJANA V

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

82

Office Action Summary

Application No.

10/083,920

Applicant(s)

NIERENBERG, ALAN B.

Examiner

Ljiljana (Lil) V. Ciric *JK*

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 4-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the reply filed on September 28, 2004.
2. Claims 1 through 7 remain in the application, of which claims 1 through 3 are all as amended, either directly or indirectly.

Response to Arguments

3. Applicant's arguments, see pages 7 and 8 of the arguments, filed September 28, 2004, with respect to the Morrison reference have been fully considered and are persuasive. The rejection of claims 1 and 2 as being anticipated under 35 U.S.C. 102(b) by Morrison is hereby withdrawn.

Applicant's arguments filed on September 28, 2004 with regard to the rejection of claims 1 through 3 as being anticipated under 35 U.S.C. 102(b) by Zednik et al. have been fully considered but they are not persuasive.

For example, in response to applicant's arguments that Zednik et al. fails to disclose a submerged heat exchanger, the examiner respectfully reminds the applicant that claims in a pending application should be given their broadest reasonable interpretation. *In re Pearson*, 181 USPQ 641 (CCPA 1974). Thus, the sea chest 50 is broadly readable on a submerged heat exchanger as recited in the claims of the instant application as explained in greater detail below.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a separate heat exchanger") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Art Unit: 3753

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Election/Restriction

4. Claims 4 through 7 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected second species, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 6.

Specification

5. Receipt and entry of the amended abstract is hereby acknowledged.

Claim Rejections - 35 U.S.C. § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 through 3 are rejected under 35 U.S.C. 102(e) as being anticipated by Zednik et al. ('022, of record).

Zednik et al. discloses an LNG carrier essentially as claimed, including, for example: a vaporizer 25 on board an LNG carrier or vessel 10; sea chest 50 broadly readable on the at least one heat exchanger submerged in water (the sea chest inherently acting as a heat exchanger between the sea water and the portion of the carrier or barge surrounding the sea chest), and, an

Art Unit: 3753

intermediate fluid (sea water) circulating between the vaporizer 25 and the "heat exchanger" 50 via pipes 36, with the "heat exchanger" 50 both attached to an exterior surface of the carrier or vessel 10 and integral with the hull thereof at least as broadly interpreted as required. While not specifically identified in the reference, at least one pump for circulating the intermediate fluid (sea water) is inherent since its presence is necessary to permit the sea water to circulate upwards through inlet 40 and all through the sea water system including pipes 36 as disclosed by the reference.

The reference thus reads on the claims.

Conclusion

8. The additional prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric, whose telephone number is (571) 272-4909.

While she works a flexible schedule that varies from day to day and from week to week, Examiner Ciric may generally be reached at the Office during the work week between the hours of 10 a.m. and 6 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene, can be reached at (571) 272-4930.

lvc

December 27, 2004



LJILJANA V. CIRIC
PRIMARY EXAMINER
ART UNIT 3753